throughout the country for early disposal of the pending cases in the courts;

(b) if so, the total number thereof and by when, these courts were to be set-up;

(c) the total funds allocated for implementation of the said scheme; and

(d) the amount spent, out of the total allocated funds, till December, 2001?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY): (a) Yes, Sir.

(b) The Eleventh Finance Commission had recommended that 1734 Fast Track Courts be established in the country. Out of these, 1074 Fast Track Courts have already been established, of which 627 Fast Track Courts have started functioning.

(c) The total funds allocated for the implementation of Fast Track Courts is Rs. 502.90 crore.

(d) An amount of Rs. 168 crore had been released by the Ministry of Finance to the State Governments under this scheme, till December, 2001.

Changes in law of arrest and detention

4891. SHRI AMAR SINGH:
SHRI RAMA MUNI REDDY
SIRIGIREDDY:

Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether it is a fact that Law Commission had sent recommendation for making changes in the law of arrest and detention for regulating the power of arrest without warrant vested in the police under section 41 Cr. P.C.;

(b) if so, the details thereof; and

(c) by when, these are likely to be accepted?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY): (a) and (b) The Law Commission in its 154th Report on the Code of Criminal Procedure, 1973 has, *inter alia*, recommended insertion of a new sub-section in section 41 of the Code. Further, the Law Commission

has recommended insertion of new section 41A in the Code. Extracts of the recommendations of the Law Commission are attached as Statement (*See* below).

(c) As informed by the Ministry of Home Affairs, the Report of the Law Commission is being processed in consultation with State Governments and UT Administrations as the subjects of Criminal Law and Criminal Procedure are in the Concurrent List of the Seventh Schedule to the Constitution of India. It is, however, not feasible to fix any time-frame for this.

Statement

Extracts of the recommendations of the Law Commission

11. In view of the guidelines enunciated by the Supreme Court in *Joginder Kumar's* case and also the consequent recommendations of the Law Commission in its 152nd Report the following new sub-clause to section 41 be inserted in the Code.

"41 (3). A police officer arresting a person under clause (a) of sub-section (1) of this section must be reasonably satisfied that arrest is necessary and must record such satisfaction in respect of matters covered every clause of sub-section (1)."

Further a new section 41A be also inserted in the Code on the following lines:

"41A(1). The police officer may, if satisfied that immediate arrest of the person concerned is not necessary, issue to him a notice requiring him to appear before the police officer at specified time and place for further investigation and it shall be the duty of that person to comply with the terms of the notice.

(2) If such person fails to comply with the terms of the notice, it shall be lawful for the police officer to arrest him for the offence mentioned therein." (Ch. IV para 11)

Appointment of Judges

4892. SHRIMATI AMBIKA SONI: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether the Supreme Court has asked States to undertake large-scale appointment of Judges before March 31, 2003;